



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BE 10293/VG	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/000025	International filing date (<i>day/month/year</i>) 07 janvier 2003 (07.01.2003)	Priority date (<i>day/month/year</i>) 09 janvier 2002 (09.01.2002)
International Patent Classification (IPC) or national classification and IPC E04F 15/02, 15/04		
Applicant SARL GRAU		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 juillet 2003 (03.07.2003)	Date of completion of this report 19 March 2004 (19.03.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☒ the international application as originally filed.

☐ the description, pages 1-29, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.

☐ the claims, Nos. 1-28, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.

☐ the drawings, sheets/fig 1/6-6/6, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-28	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-28	NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims		NO

2. Citations and explanations

- Independent claim 1 does not fulfil the requirements of PCT Article 6 in so far as claim 1 relates to a product, i.e. a floor covering, but said product is characterised by a method, i.e. a method for dismantling any one of the framing modules of said covering. The features of the method do not relate directly to the floor covering *per se*.

Moreover, in the characterising portion, the subject matter for which protection is sought is defined in terms of a result to be achieved, yet this merely amounts to stating the basic problem that the invention is intended to solve. The technical features necessary for achieving this result and solving the problem are not mentioned in claim 1.

Contrary to the applicant's opinion in the letter of 2 December 2003, it is entirely possible to define the claimed invention in terms of structural features and the invention should not, therefore, be defined in terms of its result even if the applicant considers that the result would not be suggested by the prior art.

2. At present, in so far as the modules are assembled to one another, the tiles are positioned in the modules and it is not indicated in what way the assembly means are removable, the operational features in claim 1 do not enable a person skilled in the art to remove any single framing module easily without having to take action affecting either the adjacent modules or the tiles. It follows that, at least for this alternative embodiment, a person skilled in the art would have to exercise inventive skill in order to arrive at the claimed result and claim 1 is not clear.

It should be noted that the actions affecting the adjacent modules and/or the tiles amount to other alternative embodiments of the invention because the subject matter of claim 1 includes seven different alternative embodiments.

3. According to another alternative embodiment, it is possible to remove any one of the framing modules in which the tiles are positioned with minimum clearance by moving only the tiles.

In this case, it does not appear remarkable that a framing module can be dismantled once all of the tiles of the floor covering have been removed and all that is left are the framing modules assembled to one another by removable means. As a result, it appears that this alternative embodiment is not novel and, in any case, not inventive under the terms of PCT Article 33(2) or 33(3).

Furthermore, US 5 806 270 A (D1) discloses a floor covering of this kind (see the passages cited in the

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search report as well as the abstract) and the assembly method therein only has to be carried out in reverse order for a dismantling method as per the subject matter of claim 1 to be arrived at.

4. Dependent claims 2 to 28 appear to relate only to slight structural modifications to the floor covering described in claim 1. These modifications are either known from the prior art cited in the search report or are known in general and are routine practice for a person skilled in the art and the resulting advantages are easily foreseeable. As a result, the subject matter of claims 2 to 28 does not appear to involve an inventive step either.